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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,527	01/16/2001	Joseph M. Cannon	20-142	.2125

7590

12/05/2003

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EXAMINER

CRAVER, CHARLES R

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 12/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/759,527

Applicant(s)
Cannon et al

Examiner
Charles Craver

Art Unit
2682



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, and 14 is/are rejected.
- 7) ☒ Claim(s) 12 and 15 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 16, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 2, 4, 5, 9-11, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris, US Pat 6,580,372.

Claims 1 and 2: Harris discloses a wireless BLUETOOTH piconet device 105 with a BLUETOOTH front-end and a connected GPS receiver (col 1 lines 65-67, col 4 lines 17-37).

Claims 4, 13 and 14: Harris discloses a wireless piconet server (310) comprising a wireless piconet front end, a module (312) for determining authority of GPS locations received from a mobile station to communicate with a network and comparing said location to boundary coordinates corresponding to a predetermined secure area for access to said network (col 4 lines 18-63). **Claim 5:** Harris discloses BLUETOOTH (col 4 lines 25-27).

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Claims 9 and 11: claim 11, and thus claim 9, discloses the inherent method performed by the server of claim 4, and as such is rejected for the same reasons set forth above. **Claim 10:** Harris discloses determining if the GPS location is within the area delineated by the coordinates (col 4 lines 28-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris as applied to claim 1 above and further in view of Vaisanen et al, US Pat 6,560,443.

While disclosing applicant's invention of claim 1 above, Harris fails to disclose a password entry module. However, Vaisanen discloses that password encryption increases security in a BLUETOOTH device (col 2 lines 13-39), so it would have been obvious to one of ordinary skill in the art at the time of the invention to add security to the invention of Harris by adding password authorization as suggested by Vaisanen.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris as applied to claim 4 above and further in view of Vaisanen et al.

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Please see the rejection of claim 3 above.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris as applied to claim 4 above.

Claim 7: since the server is a part of a communications network (connected to a mobile network for calls), other such piconet servers would be connected via the network. While Harris fails to disclose synchronization, such a step would have been obvious to one of ordinary skill in the art in order to update a location (e.g. like an HLR/VLR) in the system using the standard method in a cellular system. **Claim 8:** such an update would inherently occur when the phone updates the location.

Allowable Subject Matter

7. Claims 12 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Claims 12 and 15 teach towards a method and system for authorizing a mobile device in a piconet, wherein earth coordinates are received at a BS from the MS and compared to area coordinates in order to allow the two devices to communicate, wherein further the MS has the means to send a password to the network device and the BS has means to compare it to a list of

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passwords, and only allows the device to communicate on the network only when the area matches and the password matches.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jenkins, Banatre, Roundtree, Lehtikainen, Uehara, Gutowski and Parupudi discuss means for location-based service.

Goldberg discusses locating a user.

Kuwahara discusses means to create a custom area via vector coordinates and compare it with a mobile station's GPS location.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

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Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, sixth floor (receptionist).


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

cc

C. Craver
November 26, 2003

 11-26-03
CHARLES CRAVER
PATENT EXAMINER